

KENNETH SIMPSON, )  
)  
Movant, )  
)  
) No. 4:11CV2058 RWS  
)  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent, )

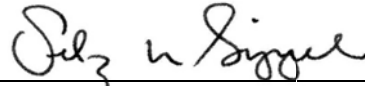
Movant does not believe that I should have been assigned to hear his § 2255 motion because I was assigned to his criminal action. Movant is incorrect. Title 28 U.S.C. § 2255 “clearly permits and requires the attack on a federal sentence to be made in the sentencing court absent a showing that such court has denied relief or that the remedy under § 2255 is inadequate or ineffective to test the validity of the detention.” Humphries v. Ciccone, 428 F.2d 477, 478 (8th Cir. 1970); see Farrow v. United States, 580 F.2d 1339, 1349 (9th Cir. 1978) (“motions under [§ 2255] are properly presented to the original sentencing judge.”). Regardless, this action is closed, and the judgment is final. As a result, both motions are denied with prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that movant's pro se motion for new proceedings [ECF No. 56] and motion for recusal [ECF No. 57] are **DENIED**.

**IT IS FURTHER ORDERED** that I will not issue a certificate of appealability.

Dated this 28th day of February, 2014.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippel", is written above a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE